

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROSARIA NILES and SALVATORE A. BONO,

Plaintiffs,

**ORDER**  
CV 09-3638(JFB)(ARL)

-against-

WILSHIRE INVESTMENT GROUP, LLC, *et al.*,

Defendants.

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**LINDSAY, Magistrate Judge:**

Before the court is plaintiffs' letter application dated December 21, 2010, requesting that the court hold defendants in default for their failure to electronically file on ECF their respective motions to dismiss on or before December 20, 2010. Defendants oppose the application. Plaintiffs submitted a reply letter dated December 28, 2010 in further support of its motion to hold defendants in default. The court has neither read nor considered plaintiffs' reply letter dated December 28, 2010. *See* Local Civil Rule 37.3(c).

Plaintiff's motion is denied. By order dated November 19, 2010, this court directed (i) defendants to renew and reserve any respective motions to dismiss the First Amended Complaint on or before December 20, 2010; (ii) plaintiffs to serve their opposition to defendants' motions to dismiss in a single, 50-page opposition brief on or before January 20, 2011; and (iii) defendants to serve their replies on plaintiffs and re-file all papers (i.e., defendants' moving papers, plaintiffs' opposition, and defendants' reply papers) on ECF and provide courtesy copies of the moving papers to the undersigned on or before February 18, 2010. Inasmuch as defendants renewed and re-served their motion on December 20, 2010, and have indicated their intention to bundle and file all documents pertaining to their respective motions and litigation injunction on or before February 18, 2011, they are in compliance with the undersigned's order.

Dated: Central Islip, New York  
January 6, 2011

**SO ORDERED:**

\_\_\_\_\_/s\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge